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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,165	10/08/2003	Tadashi Tachibana	040894-5967	5802
9629	7590	05/31/2006	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			RIVERO, MINERVA	
			ART UNIT	PAPER NUMBER
			2627	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/680,165	TACHIBANA, TADASHI	
	Examiner	Art Unit	
	Minerva Rivero	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Itonaga *et al.* (US Publication 2001/0004346), hereinafter Itonaga.

4. Regarding claim 1, Itonaga discloses an optical disc apparatus of a three-beam type in which performs at least one of recording information on an optical disc and reproducing the information recorded on the optical disc by: irradiating a main beam on a groove formed on the optical disc; irradiating a first side beam on a first land in which

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address information of the groove, at a position in front of the main beam; irradiating a second side beam on a second land in which address information of a groove adjacent to the groove is recorded and formed opposite to the first land, at a position in rear of the main beam ([0011], Lines 1-4; [0054]; *pre-pit address signal*, [0096], Lines 2-7; [0063], see Fig. 9), the apparatus comprising:

a unit configured to extract an LLP signal from reflected light of the first side beam, and to calculate the address information on the basis of the LLP signal, thereby pre-reading the address information (*pre-pit address signal*, [0096], Lines 2-7).

5. Regarding claim 2, Itonaga discloses an optical disc apparatus of a three-beam type in which performs at least one of recording information on an optical disc and reproducing the information recorded on the optical disc by: irradiating a main beam on a groove formed on the optical disc; irradiating a first side beam on a first land in which address information of the groove, at a position in front of the main beam; irradiating a second side beam on a second land in which address information of a groove adjacent to the groove is recorded and formed opposite to the first land, at a position in rear of the main beam, the apparatus comprising:

a LLP extracting unit configured to extract an LLP signal from reflected light of the first side beam (*optical pickup and pre-pit signal*, [0096]); and

an address calculating unit configured to calculate the address information on the basis of the LLP signal (*address signal for disk control*, [0096]).

6. Regarding claim 3, Itonaga discloses

the first side beam is irradiated at a position in front of the main beam, and  
the second side beam is irradiated at a position in rear of the main beam ([0063],  
see Fig. 9).

7. Regarding claim 4, Itonaga discloses an optical disc apparatus of a three-beam  
type in which perform at least one of recording information on an optical disc and  
reproducing the information recorded on the optical disc, the apparatus comprising:

a first irradiating unit configured to irradiate a main beam on a groove formed on  
the optical disc ([0011], Lines 1-4; [0054]; *address signal for disk control*, [0096]; see  
SP1 in Fig. 9);

a second irradiating unit configured to irradiate a first side beam on a first land in  
which address information of the groove is recorded and formed adjacent to the groove  
([0011], Lines 1-4; [0054]; *address signal for disk control*, [0096]; see SP2 or SP3 in Fig.  
9);

a third irradiating unit configured to irradiate a second side beam on a second  
land in which address information of a groove adjacent to the groove is recorded and  
formed opposite to the first land ([0011], Lines 1-4; [0054]; *address signal for disk  
control*, [0096]; see SP2 or SP3 in Fig. 9);

an extracting unit configured to extract an LLP signal from reflected light of the  
first side beam (*optical pickup and pre-pit signal*, [0096]); and

a control unit configured to calculate the address information on the basis of the LLP signal (*address signal for disk control*, [0096]).

8. Regarding claim 5, Itonaga discloses the first irradiating unit irradiates the first side beam at a position in front of the main beam, and the second side beam at a position in rear of the main beam ([0063], see Fig. 9).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yanagawa (US 5,363,358) discloses an optical disc apparatus with selection of three-beam and push-pull system.

Sasaki *et al.* (US 2002/0159347) disclose an optical disc device using the three-beam method for tracking control.

Ueno (US 2002/0191501) discloses an optical disc including a tracking control signal formed in advance.

Ohyaama (US 6,512,608) discloses an optical disk that is irradiated by light sources of different wavelengths.

Asano *et al.* (US 6,621,772) disclose an optical disk including grooves wobbled with address information.

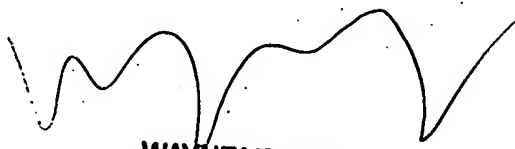
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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minerva Rivero whose telephone number is (571) 272-7626. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MR 5/25/06



WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER